

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-10705

Fontinee Zaki

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/10/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 29, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/29/05.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10705-RWZ**

Zaki v. United States of America
Assigned to: Judge Rya W. Zobel
Demand: \$1,002,000
Cause: 28:1346 Tort Claim

Date Filed: 04/12/2004
Jury Demand: None
Nature of Suit: 350 Motor Vehicle
Jurisdiction: U.S. Government
Defendant

Plaintiff

Fotinee Farah Zaki

represented by **Fotinee Farah Zaki**
1265 Killaby Drive
Mississauga, ON L5V2C2
Canada
905-814-8550
PRO SE

Daniel E. Doherty
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TERMINATED: 11/23/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

United States of America

represented by **Gina Y. Walcott-Torres**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/07/2004	<u>1</u>	COMPLAINT Filing fee: \$ 150, receipt number 55092, filed by Fotinee Farah Zaki.(Barrette, Mark) Additional attachment(s) added on 4/13/2004 (Johnson, Jay). (Entered: 04/12/2004)
04/07/2004	<u>2</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Barrette, Mark) (Entered: 04/12/2004)
04/07/2004	<u>3</u>	Summons Issued as to United States of America. (Johnson, Jay) (Entered: 04/21/2004)
04/21/2004	<u>4</u>	SUMMONS Returned Executed United States of America served on 4/20/2004, answer due 5/10/2004. (Johnson, Jay) (Entered: 04/23/2004)
04/21/2004	<u>5</u>	SUMMONS Returned Executed (John Potter) United States of America served on 4/20/2004, answer due 5/10/2004. (Johnson, Jay) (Entered: 04/23/2004)
04/22/2004	<u>6</u>	SUMMONS Returned Executed United States of America served on 4/20/2004, answer due 5/10/2004. (Johnson, Jay) (Entered: 04/23/2004)
04/22/2004	<u>7</u>	AFFIDAVIT OF SERVICE by Fotinee Farah Zaki. Acknowledgement filed by Fotinee Farah Zaki. (Johnson, Jay) (Entered: 04/23/2004)
06/24/2004	<u>8</u>	ANSWER to Complaint by United States of America.(Johnson, Jay) (Entered: 06/28/2004)
06/30/2004	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 8/11/2004 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 06/30/2004)
08/10/2004	<u>10</u>	JOINT STATEMENT re scheduling conference. (Walcott-Torres, Gina) (Entered: 08/10/2004)
08/11/2004	<u>11</u>	electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Scheduling Conference held on 8/11/2004. Discovery due by 12/31/2004. Pretrial Conference set for 2/8/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. Expert discovery 1/31/05; (Urso, Lisa) (Entered: 08/12/2004)
08/13/2004	<u>12</u>	Judge Rya W. Zobel : ORDER entered SCHEDULING ORDER: Final Pretrial Conference set for 2/8/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. Automatic discovery 8/25/04; Fact Discovery due by 12/31/2004; expert discovery 1/31/05;(Urso, Lisa) (Entered: 08/16/2004)
12/01/2004	<u>13</u>	NOTICE of Change of Address by Daniel E. Doherty (Johnson, Jay) (Entered: 12/02/2004)
02/02/2005	<u>14</u>	Judge Rya W. Zobel : ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 2/8/2005 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. The pretrial memorandum should be filed by Monday 2/7/05.(Urso, Lisa) (Entered: 02/02/2005)

02/08/2005	●	electronicClerk's Notes for proceedings held before Judge Rya W. Zobel : Initial Pretrial Conference held on 2/8/2005. Status Report due by 2/11/2005. Bench Trial set for 7/11/2005 09:00 AM in Courtroom 12 before Judge Rya W. Zobel. First liability; then damages; Order of reference to Mag. Collings; (Urso, Lisa) (Entered: 02/10/2005)
02/08/2005	●12	PRETRIAL MEMORANDUM by Fotinee Farah Zaki, United States of America. (Urso, Lisa) (Entered: 02/18/2005)
02/09/2005	●11	Judge Rya W. Zobel : Order ORDER entered. PROCEDURAL ORDER re pretrial/trial Bench Trial set for 7/11/2005 09:00 AM in Courtroom 12 before Judge Rya W. Zobel on liability. 1 day;(Urso, Lisa) (Entered: 02/10/2005)
02/18/2005	●13	Judge Rya W. Zobel : Order ORDER entered. REFERRING CASE to Alternative Dispute Resolution. The Judge would like Mag. Collings (Urso, Lisa) (Entered: 02/18/2005)
02/22/2005	●	The Order of reference was removed due to clerical error. (Urso, Lisa) (Entered: 02/22/2005)
05/10/2005	●14	(Assented to) MOTION to Continue Trial to 9/12/05 by Fotinee Farah Zaki.(Johnson, Jay) (Entered: 05/11/2005)
05/13/2005	●	Judge Rya W. Zobel : endorsedORDER entered granting 14 Motion to Continue trial date. Trial rescheduled to 9/12/05 at 9:00 a.m. (Urso, Lisa) (Entered: 05/17/2005)
06/02/2005	●15	NOTICE of Change of Address by Daniel E. Doherty (Johnson, Jay) (Entered: 06/03/2005)
09/12/2005	●	Electronic Clerk's Notes for proceedings held before Judge Rya W. Zobel : Bench Trial held on 9/12/2005; plaintiff witness #1 Fontinee Zaki's; cross; redirect; plaintiff rests on liability; defendant calls witness #1 Edward Keene; cross; redirect; witness #2 Rachel Vosmus; cross; redirect; witness #3 Officer Michael DiMeo; cross; defendant's rests; rebuttal of plaintiff; Magdy Rafla; cross; defendant's closing; plaintiff's closing; (Court Reporter Pam Owens.) (Urso, Lisa) (Entered: 09/12/2005)
09/12/2005	●16	Judge Rya W. Zobel : Order ORDER entered. JUDGMENT in favor of defendant against plaintiff(Urso, Lisa) (Entered: 09/12/2005)
09/19/2005	●17	MOTION for for New Trial/Reconsideration re 16 Judgment by Fotinee Farah Zaki.(Johnson, Jay) (Entered: 09/21/2005)
09/30/2005	●18	MOTION for Extension of Time to 10/14/05 to File Response/Reply as to 17 MOTION for Reconsideration re 16 Judgment by United States of America.(Walcott-Torres, Gina) (Entered: 09/30/2005)
10/03/2005	●	Judge Rya W. Zobel : ElectronicORDER entered granting 18 Motion for Extension of Time to File Response/Reply re 17 MOTION for Reconsideration re 16 Judgment Responses due by 10/14/2005 (Urso, Lisa) (Entered: 10/03/2005)

10/21/2005	●	Judge Rya W. Zobel : endorsed ORDER entered denying <u>17</u> Motion for Reconsideration (Urso, Lisa) (Entered: 10/21/2005)
11/10/2005	● <u>19</u>	(UNSIGNED) NOTICE OF APPEAL as to <u>16</u> Judgment by Fotinee Farah Zaki. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 11/30/2005. (Johnson, Jay) Modified on 11/14/2005 (Johnson, Jay). (Entered: 11/14/2005)
11/23/2005	● <u>20</u>	NOTICE of Appearance by Fotinee Farah Zaki (Johnson, Jay) (Entered: 11/28/2005)
11/23/2005	● <u>21</u>	NOTICE of Withdrawal of Appearance Attorney Daniel E. Doherty terminated. (Johnson, Jay) (Entered: 11/28/2005)